

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOHN DANIEL MARTIN, III

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09-cv-00028-DCB-MTP

FEDERAL BUREAU OF PRISONS and
BRUCE PEARSON, Warden

RESPONDENTS

ORDER

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation of March 22, 2010 [docket entry no. 38]. Therein, Judge Parker recommends that the *pro se* petition of John Daniel Martin, III for writ of habeas corpus under 28 U.S.C. § 2241 be denied and dismissed with prejudice. Petitioner filed objections to the Recommendation on April 9, 2010 [docket entry no. 39]. Having reviewed the Report and Recommendation, the Petitioner's objections thereto, and applicable statutory and case law, the Court finds and orders as follows:

Petitioner, currently in custody at the Federal Correctional Complex in Yazoo City, Mississippi, filed a claim under 28 U.S.C. § 2241 apparently challenging the Bureau of Prison's ("BOP") application of the Inmate Financial Responsibility Program ("IFRP") to the special assessment of \$400 assessed against him as part of his conviction for distribution of controlled

substances. Judge Parker found that to the extent that Petitioner raised a general challenge to the validity of the IFRP, his Petition was denied because the IFRP has repeatedly been upheld as constitutional. Judge Parker further found that to the extent that Petitioner challenged the application of the IFRP to him, that challenge failed because the BOP clearly had the authority to collect the special assessment according to the record before the Court.

Petitioner now objects but raises no new arguments that he did not raise in his original petition and reply. After a de novo review of the Magistrate Judge's Report and Recommendation and a review of the Petitioner's objections, the Court is unable to find any error with the Magistrate Judge's findings. The Court is satisfied that the Magistrate Judge has undertaken an extensive examination of the issues in this case and has issued a thorough opinion. Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation [docket entry no. 38] is **ADOPTED**.

IT IS FURTHER ORDERED that the Petitioner's objections [docket entry no. 39] to the Magistrate Judge's Report and Recommendation are **OVERRULED**.

SO ORDERED, this the 22nd day of April 2011.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE

